



Montana Fish, Wildlife & Parks

Region 2
3201 Spurgin Road
Missoula, MT 59804
May 23, 2017

Dear Interested Citizens:

Thank you for your thoughtful reviews and comments on a proposal by Montana Fish, Wildlife and Parks (FWP) to acquire approximately six acres along the Clark Fork River near Gold Creek in Powell County for providing additional public access to the Clark Fork River and developing a fishing access site (FAS), to be called Gold Creek FAS. Proposed developments at the FAS include: Designated parking area with loop road, singlewide concrete boat ramp, gravel access road, two security gates on the easement road, boundary fencing, site protection fencing with turnstile, concrete vault latrine, and informational signs.

Enclosed is a decision document in which I explain my rationale for recommending that the Fish & Wildlife Commission approve the acquisition and development of Gold Creek FAS as proposed. Upon completion of the public involvement process and by including this Decision Notice, FWP accepts the draft environmental assessment (EA) as final. The decision document also includes public comment on the proposed acquisition.

FWP will request approval for the purchase and development of this proposed FAS at the regular Fish & Wildlife Commission meeting scheduled for June 7, 2017 in Kalispell. This meeting is open to the public, as are other regularly scheduled Commission meetings.

Please feel free to contact me at 406-542-5500 with any questions you may have. Thank you for your interest and participation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Randy Arnold', written in a cursive style.

Randy Arnold
Regional Supervisor

RA:sr

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**DECISION NOTICE for the DRAFT ENVIRONMENTAL ASSESSMENT:
GOLD CREEK FISHING ACCESS SITE
PROPOSED ACQUISITION AND DEVELOPMENT**

May 23, 2017

Proposal

Montana Fish, Wildlife & Parks (FWP) proposes to acquire approximately six acres along the Clark Fork River near Gold Creek, Montana for the purposes of providing additional public access to the popular Clark Fork River and developing a fishing access site (FAS). Proposed developments include a designated parking area with loop road, a singlewide concrete boat ramp, a gravel access road, two security gates on the easement road, boundary fencing, site protection fencing with turnstile, a concrete vault latrine, and informational signs.

The proposed Gold Creek FAS is located on the Clark Fork River at river mile 291, and is 49 miles downstream of its headwaters. Per recent FWP surveys, the average angler days per year from 2007 to 2013 on the 78-mile stretch of the Clark Fork from the Bitterroot River (river mile 222) to the Little Blackfoot River (river mile 300) was 6,555, with a low of 4,902 in 2007 and a high of 9,515 in 2013. The regional ranking for this stretch of river averaged the 17th most fished body of water, and the state ranking for this stretch of river averaged the 99th most fished body of water in Montana out of more than 1,400 stream reaches, lakes and reservoirs surveyed annually by FWP. The proposed Gold Creek FAS would be the only FWP FAS on the 31-mile stretch between Drummond FAS (river mile 273) upstream to Kohrs Bend FAS (river mile 304) and would likely be frequently used as a put-in and take-out site for floaters and boaters, as well as for anglers on the Clark Fork River.

The Upper Clark Fork has been heavily impacted by past mining operations. A court settlement between the State of Montana and Atlantic Richfield Company produced a multimillion-dollar fund to clean up and restore the Clark Fork River basin, including removing the mine waste trapped behind Milltown Dam, restoring the once “dead” Silver Bow Creek, and rehabilitating 47 miles of the Upper Clark Fork. The Montana Natural Resource Damage (NRD) Program within the Montana Department of Justice is administering funding for restoration work.

In 2013, the NRD granted funds to FWP for fishing access site acquisition and development. These funds were granted to mitigate for damage to the Clark Fork River drainage resulting from historic upstream mining and smelting. The proposed Gold Creek FAS would be partially funded by this grant and was selected because it would provide public access to the Clark Fork River within the 31-mile stretch from Drummond and Kohrs Bend FASs. The site is also considered to be in an ideal location for fishing, boating and floating access and is expected to receive moderate to heavy angler use. Unauthorized use by the public of the private property has resulted in a pioneered access road, parking area, and boat launch. Previous developments by the landowner include an access road along the north property boundary to access the ditch head gate and fencing along the property boundaries.

FWP proposes to acquire approximately six acres of private land in fee title (cost \$64,000) for developing a fishing access site. Proposed developments (estimated at \$160,000) of the Gold Creek FAS include a gravel parking area with loop road, a singlewide concrete boat ramp, a gravel access road, a security gate and access gate on the easement road, new boundary fencing with a pedestrian turnstile, a concrete vault latrine, and informational signs.

The property would be managed under existing FWP FAS public use regulations. Management of the FAS would include routine maintenance, control of vehicles and weapons restrictions, and other accepted FWP recreation area management policies. Protection of the natural resources, the health and safety of visitors, and consideration of neighboring properties have been considered and incorporated into development plans for this site. Initially, the FAS would be for day-use only and no overnight camping would be allowed. Future camping may be considered at a later date. Development of Gold Creek FAS would provide public access to the Clark Fork River for fishing, hunting, boating, and floating, as well as provide additional recreational opportunities for hiking, dog-walking, picnicking, and wildlife viewing.

Alternative A: No Action

If no action was taken--and the six-acre parcel was not acquired and the proposed developments were not constructed--recreational access to this stretch of the Clark Fork River would continue to be limited and difficult. The public would likely continue to seek access on this private property, causing further erosion and sedimentation of the Clark Fork River and degradation of riparian plant communities. With No Action, trespass onto private land, public safety, and resource protection would continue to be issues on the property. Recreational opportunities for boating, fishing, floating, picnicking, wildlife viewing, and walking along this stretch of the Clark Fork River would also continue to be limited.

Alternative B: Proposed (Preferred) Action

FWP would acquire fee-title to approximately six acres along the Clark Fork River near Gold Creek for the purpose of providing additional public access to the popular Clark Fork River and would develop a fishing access site on the acreage. Proposed developments include a designated parking area with loop road, a singlewide concrete boat ramp, a gravel access road, a security gate and access gate on the easement road, boundary fencing, site protection fencing with turnstile, a concrete vault latrine, and informational signs.

Public Review Process

A Draft Environmental Assessment¹ (EA) for the proposed project was made available for public review and comment for a 30-day period from April 24 through 5:00 P.M. on May 23, 2017. The EA was posted on FWP's web site (<http://fwp.mt.gov>, under "Recent Public Notices") from April 24 through May 23, 2017, and comments could be made directly on the EA's webpage

Legal notices were published twice each in the *Independent Record* (Helena, April 19 & 23), *Missoulian* (April 19 & 21), and *Silver State Post* (Deer Lodge, April 19 & 26) newspapers.

FWP distributed 23 copies of the EA and 38 email-notifications of the EA's availability to adjacent landowners and interested individuals, groups and agencies.

A statewide News Release was prepared and distributed to a standard list of media outlets interested in FWP Region 2 issues.

¹ Draft EA available (and accessed 23 May 2017) on FWP's website at:
http://fwp.mt.gov/news/publicNotices/environmentalAssessments/acquisitionsTradesAndLeases/pn_0202.html

Public Comment

Summary of Public Comment

FWP received 8 emailed comments regarding the proposed acquisition and development proposal for Gold Creek FAS (see Appendix). All comments were from individuals, with 2 each from Butte and Missoula, and one each from Alberton, Emigrant, Havre, and Kalispell. All commenters supported the acquisition and development, and no one was in opposition to the proposal.

Public Comments Received

In support of the Gold Creek FAS proposal, commenters noted:

- *The location is essential to fishing use since construction of the interstate cut off all but a few access points.*
- *. . . this site will help disperse angling and floating use.*
- *Due to the long term human use of the site . . ., development of the site shouldn't cause any resource problems.*
- *The plan looks great and I'm sure it will be used a lot.*
- *. . . great opportunity to take action that causes minimum disturbance while provided a large benefit.*

One supporter stated:

- *Unfortunately the access sites seem to be geared towards rafters and not to wade fisherman. Something severely lacking in this state.*

FWP response: The department recognizes the importance of wade-fishing access as well as float-fishing opportunity. Many of the existing 300+ FASs owned or leased by FWP provide wade-fishing experiences, including many FASs that lack boat launches. At this Gold Creek site, if the property is acquired by FWP, anglers will have direct access to approximately 0.17 mile (900 feet) of river frontage. And under Montana's stream access law, an angler could continue fishing up or downstream from the east or west boundary of Gold Creek FAS, as long as they stay between the high-water marks.

Decision and Recommendation

Based upon the Draft Environmental Assessment and the applicable laws, regulations, and policies, I have determined that the proposed action will not have negative effects on the human and physical environments associated with this project. Therefore, I conclude that the EA is the appropriate level of analysis and the preparation of an Environmental Impact Statement is unnecessary.

This proposal for FWP to purchase the approximately 6-acre Dutton property and develop it as a fishing access site received support from 8 commenters during the public review period. Supporters noted that the project would provide needed access and recreational benefit to that stretch of the Clark Fork River with minimal resource disturbance. No comments were received in opposition to the proposal.

In consideration of these facts and with the addition of this Decision Notice, I adopt the Draft EA as final. I have selected Alternative B, the proposed action, to pursue acquiring and developing the land as an FAS. Therefore, I am pleased to recommend to the Fish & Wildlife Commission, at its regularly

scheduled June 7, 2017 meeting in Kalispell, that it approve the proposed purchase of this approximately 6-acre property and its development as the Gold Creek FAS.

In accordance with FWP policy, an appeal may be made by any person who has either commented in writing to the department on the proposed project, or who has registered or commented orally at a public meeting held by the department on the proposed project, or who can provide new evidence that would otherwise change the proposed plan. An appeal must be submitted to the Director of FWP in writing and must be postmarked or received within 30 days of this decision notice. The appeal must describe the basis for the appeal, how the appellant has previously commented to the department or participated in the decision-making process, and how the department can provide relief. The appeal should be mailed to: Director, MT Fish, Wildlife & Parks, PO Box 200701, (1420 East 6th Avenue,) Helena, MT 59620-0701.



Randy Arnold
Region 2 Supervisor
Montana Fish, Wildlife & Parks

5/23/2017

Date

APPENDIX. Comments received by FWP for the proposed acquisition and development of Gold Creek Fishing Access Site.

Com- men- ter #	Via	Para- graph	Comment
1	E		Sounds great go for it
2	E	1	I support the proposed Gold Creek FAS Acquisition and Development. I have used this site for access to fishing for more than 40 years. The location is essential to fishing use since construction of the interstate cut off all but a few access points. There are several possible access points upstream to Garrison but this site provides the only feasible access until you reach Drummond. Therefore, this site will help disperse angling and floating use.
		2	Due to the long term human use of the site and the location between an exit road and the interstate, development of the site shouldn't cause any resource problems and could help abate minor erosion and weeds.
3	E		I support Alternate B, the proposal to purchase in fee title and the improvements to the Gold Creek FAS. The plan looks great and I'm sure it will be used a lot.
4	E		Yes, Make it happen. Thank you
5	E		Seems like a great opportunity to take action that causes minimum disturbance while provided a large benefit.
6	E		I support the proposed Gold Creek FAS.
7	E		There cannot be enough public access on any Montana river as the vast majority is sewed up by private property. Access is often in difficult to wade sections of rivers, limiting the ability to fish a desirable stretch without crowds even before tourists arrive. Unfortunately the access sites seem to be geared towards rafters and not to wade fisherman. Something severely lacking in this state.
8	E		I support the acquisition of the Gold Creek FAS.